

United States District Court
Northern District of California

SUSANNA SHAW,

Plaintiff,

v.

SAN FRANCISCO CITY AND COUNTY, et
al.,

Defendants.

Case No.: 4:14-cv-00094-KAW

ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE

Plaintiff Susanna Shaw, who is proceeding *pro se*, commenced this action on January 7, 2014.

Federal Rule of Civil Procedure 4(m) provides that "[i]f a defendant is not served 120 days after the complaint is filed, the court . . . must dismiss the action without prejudice against the defendant" In this case, the deadline for service of the complaint was May 7, 2014. As of the filing of this order, however, Plaintiff has not filed a certificate of service indicating that Defendants have been served. Moreover, the docket in this case shows that Plaintiff never presented a proposed summons to the Clerk, and thus, summons was never issued in this case.

Accordingly, the Court hereby orders Plaintiff to show cause why this case should not be dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 4(m). Plaintiff shall file a written response to this order to show cause by June 11, 2014. Failure to file a response to this order may result in dismissal of this action.

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1 Furthermore, as Plaintiff has not consented to the undersigned's jurisdiction, she shall
2 complete the attached consent/declination form and file it with the Court by no later than June 4,
3 2014. The initial case management conference currently set for June 6, 2014 is hereby continued
4 to September 30, 2014 at 1:30 p.m.

5 IT IS SO ORDERED.

6 Dated: May 21, 2014


KANDIS A. WESTMORE
United States Magistrate Judge

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case No. C

CONSENT OR DECLINATION
TO MAGISTRATE JUDGE
JURISDICTION

Plaintiff(s)

v.

Defendant(s).

INSTRUCTIONS: Please indicate below by checking **one** of the two boxes whether you (if you are the party) or the party you represent (if you are an attorney in the case) choose(s) to consent or decline magistrate judge jurisdiction in this matter. Sign this form below your selection.

☐ **Consent to Magistrate Judge Jurisdiction**

In accordance with the provisions of 28 U.S.C. § 636(c), I voluntarily **consent** to have a United States magistrate judge conduct all further proceedings in this case, including trial and entry of final judgment. I understand that appeal from the judgment shall be taken directly to the United States Court of Appeals for the Ninth Circuit.

OR

☐ **Decline Magistrate Judge Jurisdiction**

In accordance with the provisions of 28 U.S.C. § 636(c), I **decline** to have a United States magistrate judge conduct all further proceedings in this case and I hereby request that this case be reassigned to a United States district judge.

DATE: _____

NAME: _____

COUNSEL FOR
(OR "PRO SE");

Signature